

Remarks

Claims 1-8 are pending in the present application. By this amendment, claims 1 and 4 have been amended. No new matter is believed added.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Examiner alleges that "Applicant failed to mention 'managing and controlling network resources' as claimed in claim 1 step (c), in the specification." Claim 1 has been amended to address the rejection under 35 U.S.C. 112, first paragraph. In particular, the phrase "network resources" has been changed to "output bitrate."

Claim 1 is rejected under 35 U.S.C. 112, second paragraph. In particular, the Examiner alleges that the term "ready" is confusing. Claim 1 has been amended to address the rejection under 35 U.S.C. 112, second paragraph. In particular, the term "ready" has been changed to "available."

Claims 1-8 are rejected under 35 U.S.C. 102(e) over Grabelsky et al. (US 6,678,250), hereafter "Grabelsky." This rejection is defective because Grabelsky fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 102(e).

Claim 1 includes:

"means for managing and controlling an output bitrate and handling a delivery monitoring service of said packets on the network according to said output bitrate, comprising:

- a receiving stage for receiving incoming packets from the network;
- an analysis stage for analyzing the incoming packets;
- a statistics processing stage for computing statistics based on analysis provided by the analysis stage;
- a formatting stage for creating packets to be sent toward said network; and

an output bitrate adjusting stage for selectively adjusting the output bitrate based on the computed statistics, wherein the output bitrate is adjusted by providing a plurality of bitstreams encoded at different bitrates and selecting one of the plurality of bitstreams based on the computed statistics."

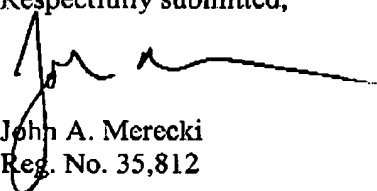
Applicants respectfully submit that Grabelsky fails to teach or suggest, among other features, the claimed "output bitrate adjusting stage for selectively adjusting the output bitrate based on the computed statistics, wherein the output bitrate is adjusted by providing a plurality of bitstreams encoded at different bitrates and selecting one of the plurality of bitstreams based on the computed statistics."

Accordingly, since Grabelsky fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 102(e), Applicants respectfully submit that claims 1-8 are allowable.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: 7/21/05

  
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